

**SUPREME COURT MINUTES
THURSDAY, SEPTEMBER 10, 1998
SAN FRANCISCO, CALIFORNIA**

The Supreme Court of California reconvened in the courtroom of the Marathon Plaza Building, 303 Second Street, South Tower, 4th Floor, San Francisco, California, on September 10, 1998, at 9:00 a.m.

Present: Chief Justice Ronald M. George, presiding, and Associate Justices Mosk, Kennard, Baxter, Werdegard, Chin, and Brown.

Officers present: Robert Wandruff, Clerk; Walter Grabowski and Harry Kinney, Bailiffs.

S054783 June McKeon, Appellant

v.

Mercy Healthcare Sacramento, Respondent

Cause called. Stephen W. Parrish opened argument for Respondent.

Steven Drapkin, appearing for Amicus Curiae California Catholic Conference, continued argument for Respondent.

Bradley G. Booth opened argument for Appellant.

William C. Quackenbush, appearing for Amicus Curiae California Employment Lawyers Association, continued argument for Appellant.

Mr. Parrish replied.

On request of counsel for Amicus Curiae California Catholic Conference, the court granted counsel leave to file additional authorities with the court within five days, and granted appellant leave to file a response within five days of the filing of such additional authorities. The court further ordered that the cause would stand submitted as of the filing of appellant's response or the expiration of the time for such filing.

S063524 People, Respondent

v.

Johnny Ardean Hagen et al., Appellants

Cause called. F. Thos. Caporael argued for Appellant.

Steven T. Oetting, Deputy Attorney General, argued for Respondent.

Mr. Caporael replied.

Cause submitted.

S066034 Kelvin Eugene Wiley, Respondent

v.

County of San Diego et al., Appellants

Cause called. William A. Johnson, Jr. argued for Appellant.

Timothy J. Kozel argued for Respondent.

Mr. Johnson replied.

Cause submitted.

Court recessed until 1:30 p.m. this date.

Court reconvened pursuant to recess.

S067462 Mercury Insurance Group, Petitioner

v.

The Superior Court of San Bernardino County, Respondent

Ronald A. Wooster et al., Real Parties in Interest

Cause called. Marnie S. Skeen argued for Real Parties in Interest.

Anthony P. David argued for Amicus Curiae.

John K. Raleigh opened argument for Petitioner.

Jeffrey H. Leo continued argument for Petitioner.

Mr. Skeen replied.

Cause submitted.

Court recessed until 9:00 a.m., Friday, September 11, 1998.

Orders were filed in the following matters extending the time within which to grant or deny a petition for review to and including the date indicated, or until review is either granted or denied:

A076713/S072001 Stephen M. Morey et al. v. Neilo Vannucci et al.; And
Companion Case - October 16, 1998.

A077748/S072036 People v. Jovan Sfarsai Farsight - October 21, 1998.

A077757/S071999 People v. Andre Lamont Ray - October 16, 1998.

B100876/S072058 People v. Carlos Tolentino - October 21, 1998.

B114099/S072100 People v. James R. Netherly - October 22, 1998.

B114225/S071996 People v. William Moore, Jr. - October 21, 1998.

B107904/S072046 People v. Larry Moore - October 22, 1998.

B113263/S071980 Stephen R. Glasser v. Edward Glasser - October 16, 1998.

B114681/S072071 People v. Gregory Tommie Jones - October 21, 1998.

B115397/S072054 People v. David Lopez - October 21, 1998.

C025557/S072069 People v. Paul Angelo Martinez - October 21, 1998.

C029853/S072038 In re Frank Eugene Wingfield on Habeas Corpus -
October 20, 1998.

D027175/S072022 People v. Daniel Vaughn Enlow - October 16, 1998.

E019794/S071953 People v. Craig Steven Gordon - October 16, 1998.

G019459/S072089 People v. Arnold Mendez - October 22, 1998.

G020292/S072013 People v. Rodrigo Alvarez et al. - October 21, 1998.

G020417/S071936 People v. Olga Esther Ragsdale - October 21, 1998.

G022045/S071883 In re Leonel Duarte on Habeas Corpus; People v. Leonel Duarte - October 16, 1998.

H015565/S072064 People v. Jason Dale Yates - October 21, 1998.

H016715/S071962 People v. Edward Michael Esters - October 16, 1998.

H017117/S072074 In re Peter Mancha on Habeas Corpus; People v. Peter Mancha; And Companion Case - October 21, 1998.

H017314/S072087 In re Apolinar S., A Person Coming Under the Juvenile Court Law; People v. Apolinar S. - October 22, 1998.

S012568 People, Respondent

v.

Philip Lucero, Appellant

The motion of appellant for relief from default to file the reply brief is granted.

S016081 People, Respondent

v.

Maureen McDermott, Appellant

On application of appellant and good cause appearing, it is ordered that the time to serve and file appellant's opening brief is extended to and including October 8, 1998.

S033901 People, Respondent

v.

Catherine Thompson, Appellant

On application of appellant and good cause appearing, it is ordered that the appellant is granted to and including September 26, 1998, to request correction of the record on appeal. Counsel for appellant is ordered to notify the Clerk of the Supreme Court in writing as soon as the act as to which the Court has granted an extension of time has been completed.

No further extensions of time will be granted.

S037195 People, Respondent

v.

Jerry Noble Kennedy, Appellant

On application of appellant and good cause appearing, it is ordered that the appellant is granted to and including October 13, 1998, to request correction of the record on appeal. Counsel for appellant is ordered to notify the Clerk of the Supreme Court in writing as soon as the act as to which the Court has granted an extension of time has been completed.

S062258 In re Sirhan Bishara Sirhan

on

Habeas Corpus

On application of the Attorney General and good cause appearing, it is ordered that the time to serve and file the informal response is extended to and including October 21, 1998.

S063280 In re Keith Tyrone Fudge

on

Habeas Corpus

On application of petitioner and good cause appearing, it is ordered that the time to serve and file petitioner's reply to informal response to the petition for writ of habeas corpus is extended to and including October 29, 1998.

S063733 In re Steven Livaditis

on

Habeas Corpus

On application of petitioner and good cause appearing, it is ordered that the time to serve and file petitioner's reply to informal response to the petition for writ of habeas corpus is extended to and including October 16, 1998.

No further extensions of time will be granted.

S066487 In re Denny Mickle
 on
 Habeas Corpus

On application of petitioner and good cause appearing, it is ordered that the time to serve and file petitioner's reply to informal response to the petition for writ of habeas corpus is extended to and including October 8, 1998.

S019708 People, Respondent
 v.
 James David Majors, Appellant

In the above-entitled matter, the court filed its decision on June 22, 1998, because of the following extraordinary and compelling circumstances:

1. The size of the record (the clerk's and reporter's transcripts totaling approximately 4,822 pages).
2. The necessity to grant appellant, for good cause, eleven extensions of time within which to file the opening brief, and two extensions of time to file the reply brief.
3. The necessity to grant respondent, for good cause, five extensions of time within which to file respondent's brief.
4. The number and complexity of the issues presented.

S019786 People, Respondent
 v.
 Paul Clarence Bolin, Appellant

In the above-entitled matter, the court filed its decision on June 18, 1998, because of the following extraordinary and compelling circumstances:

1. The size of the record (the clerk's and reporter's transcripts totaling more than 3,500 pages).
2. The necessity to grant appellant, for good cause, nine extensions of time within which to file the appellant's opening brief, and eight extensions of time to file the reply brief. In addition, the necessity to grant appellant relief from default in filing his opening brief and his reply brief. In the case of both briefs, good cause was established in

part by appellant's refusal to cooperate with counsel in matters relating to his appeal.

3. The necessity to grant respondent, for good cause, seven extensions of time within which to file the respondent's brief.
4. The number and complexity of the issues presented.

S072770 In re **Gabriel Martinez** on Reinstatement

Upon petition for reinstatement and recommendation of the State Bar of California, it is ordered that **Gabriel Martinez** be reinstated as a member of the State Bar of California upon payment of the fees and taking the oath required by law.